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October 28, 2019

Chief Ruben Garcia
Lakeland Police Department
219 North Massachusetts Avenue
Lakeland, Florida 33801

Re: Review of the use of deadly force by Officers Markais Neal, Joseph Novis, and Raj Patel against Michael Taylor on December 26, 2018; Lakeland Police Department report number 18-25373

Dear Chief Garcia:

The purpose of this letter is to inform you of the findings of the Office of the State Attorney following the review of all the available documents and evidence relating to the shooting death of Michael Taylor by officers of the Lakeland Police Department on December 26, 2018.

I responded to the scene of this shooting shortly after it took place and was present for the interview of each officer who fired his weapon during the incident. This included Officer Markais Neal, Officer Joseph Novis, and Officer Raj Patel. I have also interviewed Taquese Hammond, the young woman who was in the Camaro with Michael Taylor at the time the shooting incident began. I have also interviewed Officer Morgan Mumbauer and Officer Ronald Powell, both of whom were eyewitnesses to the shooting incident. As part of our review of this matter, we conducted an investigation to confirm whether the vehicle Michael Taylor was driving on the night of the shooting was a stolen vehicle and to confirm whether Michael Taylor was in possession of a stolen firearm.

The vehicle Michael Taylor was driving on the night of the shooting was a stolen vehicle. In making this determination, our investigation included interviews of Douglas Hawsey, Angela Jeppson and Maggie Miller and a review of other evidence. On December 18, 2018, at approximately 11:00 PM, Douglas Hawsey and Maggie Miller returned to their residence, located at 80 Lake Daisy Boulevard in Winter Haven, in Douglas' black 2010 Chevy Camaro. Maggie Miller left her purse in the Camaro; which was parked in the driveway of the residence. Her purse contained her wallet, keys and driver's license. The next morning, at approximately 7:00 AM, it was discovered that the Camaro was gone. Reports confirm that the Polk County

Sheriff's Office was notified of the theft of the Camaro at 7:39 AM on December 19. As a result of the PCSO investigation, the tag number of the Camaro was entered into the computer database available to law enforcement officers to alert them that this Camaro had been reported as stolen. At a later date, Maggie Miller obtained a replacement driver's license card. Our investigation concluded that there is no connection between Douglas Hawsey, Angela Jeppson, Maggie Miller and Michael Taylor.

During our investigation of this matter, a citizen submitted a video purportedly showing Michael Taylor driving a dark-colored Camaro on June 22, 2018. The video was determined to have been filmed by Javell Hawkins. Javell Hawkins was interviewed and testified he had taken the video and had no other information regarding who the vehicle belonged to or how Taylor came to be in possession of it. After reviewing the totality of the information, there is no evidence to suggest that the vehicle in the June 22, 2018 video is the same vehicle reported stolen by Hawsey and Jeppson in December 2018.

The 9mm handgun found in Michael Taylor's possession on the night of the shooting was stolen. Our investigation determined that the firearm had been stolen during a vehicle burglary on July 12, 2018. The owner of this handgun reported that the gun had been taken from his vehicle parked in his driveway during the night. This residence was located on San Jose Drive in Winter Haven. The handgun found in Michael Taylor's possession on December 26, 2018, matched the description and serial number of the gun reported stolen on July 12, 2018.

Our review of this matter included determining the relationship between Taquese Hammond and Michael Taylor and how she came to be a passenger in the Camaro on the night of the shooting. Prior to December 26, 2018, Michael Taylor had been communicating with Taquese Hammond for approximately one year through Facebook, but had not met her. She had agreed to a personal visit with Michael Taylor and on December 25, 2018 he drove to the residence of Ms. Hammond's aunt in Lakeland in the stolen Camaro. When Ms. Hammond asked him about the Camaro, he told her that it belonged to his brother. Upon getting into the Camaro, Ms. Hammond saw a black handgun in the cup holder. This caused her to feel uncomfortable and she asked him to move it. Michael Taylor then placed the gun into his pocket. When she asked him why he had the gun he told her that people were after him and that he had to be protected at all times. Ms. Hammond informed him that she planned to go to a Lakeland nightclub, called Rumors, that night. Michael Taylor drove away in the Camaro after his visit with Ms. Hammond.

Ms. Hammond did go to Rumors nightclub at approximately 11:00 PM that night and stayed until approximately 1:45 AM to 2:00 AM on December 26, 2018. As she was walking away from the nightclub, she called Michael Taylor. He told her that he would come pick her up and then shortly arrived in the same stolen Camaro. Ms. Hammond saw that he was alone as she got into the Camaro. She once again saw the black handgun in the car and again asked him to put it out of her sight. Mr. Taylor drove around for a short time while staying in the vicinity of Rumors and Salem's Restaurant. He eventually drove into the parking lot of Salem's Restaurant where he and Ms. Hammond remained in the car with the engine running.

Officer Markais Neal had come on duty at 6:30 PM on December 25, 2018 to work his normal twelve hour shift as an officer with Lakeland Police Department. He was in full uniform and was armed with an agency issued handgun. Prior to the 2:00 AM closing time of Rumors, Officer Neal responded as back up to the report of fighting at the nightclub. The situation at the nightclub was under control by the time he arrived and he was not required to take any action.

Officer Joseph Novis had also come on duty at 6:30 PM on December 25, 2018 to work his normal twelve hour shift with Lakeland Police Department and was in full uniform and armed with an agency issued handgun.

Officer Raj Patel had also come on duty at 6:30 PM on December 25, 2018 to work his normal twelve hour shift with Lakeland Police Department and was in full uniform and armed with an agency issued handgun.

At 1:09 AM on December 26, 2018, the manager of Salem's Restaurant called Lakeland Police Department and requested their assistance to clear the parking lot of the restaurant of people who had gathered. As a result of this request, at least ten uniformed Lakeland Police Department officers went to Salem's. A review of all the calls for service by Lakeland Police Department to Salem's Restaurant for the time period of January 6 through December 26 of 2018, showed that 71% of the over two hundred times an officer responded to this location was between midnight and 4:00 AM. The morning of December 26, 2018 was similar to many other times when the Rumors nightclub closed at 2:00 AM. Many of the persons who had been at the nightclub then moved several blocks down and began to congregate in the parking lot of Salem's Restaurant. As was the customary practice, Salem's Restaurant was open for business on December 26, 2018 after 2:00 AM.

When the uniformed Lakeland Police Department officers arrived at Salem's Restaurant in marked patrol cars, the size of the crowd was estimated to be approximately two hundred persons. As the Lakeland Police Department officers arrived they were attempting to provide traffic control for all the vehicles which were being driven on the roadways near Salem's Restaurant and in the parking lot. Shortly after 2:00 AM, a black Camaro appeared on surveillance video in the parking lot of Salem's Restaurant. It was observed to exit the parking lot and then return at approximately 2:38 AM. By that time Officers Neal, Novis, and Patel had arrived at Salem's Restaurant to assist with traffic and crowd control. All of the Lakeland Police Department officers had access to a compilation of the descriptions of vehicles which had recently been stolen in Lakeland and the surrounding areas. This database included vehicles which had been reported stolen to the Polk County Sheriff's Office. The Camaro owned by Douglas Hawsey was on that list.

At 2:48 AM Officer Raj Patel advised via police radio that he had seen a black Camaro in the parking lot of Salem's Restaurant which was possibly a stolen car. He gave the tag number of 343PHA to the dispatcher and was advised that this car had in fact been reported as stolen. The communication by dispatch was heard by all the Lakeland Police Department officers who were at Salem's Restaurant as well as others who were on duty at the time.

The officers who were at Salem's Restaurant viewed this black Camaro. Officers Neal, Novis, Patel, Blackburn, Mumbauer, Powell, and Simon all began to move towards the Camaro. Officers Garabaldi and Quackenbush were also in the parking lot and able to observe the actions of the officers who began to approach the Camaro. Officers Blackburn, Novis, Mumbauer, Powell and Simon approached the Camaro from the passenger side. Officers Nickels and Novis approached the Camaro from the rear. Officer Patel approached the Camaro from the driver's side. Officer Neal approached the Camaro from the front.

As Officer Patel got close to the driver's side of the Camaro he could tell that the driver's window was partially down and made eye contact with the driver. He identified himself as a police officer and ordered the driver to get out of the car. As Officer Novis began to approach the Camaro from the passenger side he heard Officer Patel giving the command to the driver to get out of the car. As Officer Nickels approached the Camaro he could see the driver and passenger and heard Officers Patel and Novis identify themselves as police officers. As Officer Powell approached the Camaro he heard Officers Patel and Novis identify themselves as police officers and heard the commands to exit the car being given loudly and clearly. As Officer Quackenbush was approaching the Camaro he heard the other officers giving the commands for the driver and passenger to show their hands and to get out of the car.

As Officer Neal was approaching the Camaro from the front he saw Officers Novis and Patel also approaching the car. He motioned for the driver of the car which was in front of the Camaro to keep that car stationary. He was looking for a tactical position in front of the Camaro. He pulled his handgun, made direct eye contact with the driver, identified himself as a police officer, and gave the verbal command for the driver to get out of the car. At this time he saw the driver turn the wheels of the Camaro and accelerate directly at him. He feared that the Camaro would strike him as it accelerated and he began to fire his handgun at the driver in an effort to prevent the car from hitting him. He also jumped off to the side. Officer Neal was able to avoid being struck by the Camaro. During his interview, Officer Neal stated that the reason he fired at the driver was his fear of being struck by the Camaro and also feared for the safety of the other persons who were also in the parking lot. He stated "he looked directly in my eyes and gunned it right towards me."

Officer Novis stated that as he was approaching the Camaro he saw the driver accelerate towards Officer Neal and he was in fear that the car would strike and kill or seriously injury Officer Neal. He stated that it appeared that Officer Neal had nowhere to go. He stated that his fear caused him to begin to fire at the driver in an effort to stop him from hitting Officer Neal.

Officer Patel stated that as he was commanding the driver to get out of the Camaro he made eye contact with him and saw him accelerate the car at Officer Neal. He stated that his fear that this car would strike Officer Neal caused him to fire at the driver in an effort to stop the car from hitting Officer Neal.

Taquese Hammond was interviewed and stated that she saw the police officers in uniform approach the Camaro and give verbal commands for she and Michael Taylor to get out of the car. She stated that she intended to comply and was preparing to exit when Michael Taylor accelerated the Camaro. As shots began to be fired she ducked down in the car. Once the Camaro

had struck another car and temporarily came to a stop, she jumped out of the passenger's side and was confronted by several police officers. She stated that when she was asked by the officers whether the driver had a weapon she told them that he did still have a weapon in the car.

The crime scene investigation determined that there had been twenty-three rounds fired by the Lakeland Police Department officers. There were twenty three spent casings recovered from the parking lot of Salem's. The handguns used by Officers Neal, Patel, and Novis were examined at the FDLE lab and determined to be functional. It was determined that ten rounds had been fired by Officer Neal, nine rounds had been fired by Officer Patel, and four rounds had been fired by Officer Novis. A search of the Camaro was conducted. In addition to numerous personal items and documents relating to the owner of the Camaro and his family and girlfriend crime scene investigators also found a 9mm handgun which contained seven live rounds, a baggie containing seven grams of cannabis, a weighing scale, and an iPhone cell phone. These items did not belong to the owner of the Camaro and were not in the car when it was stolen on December 18th or 19th. The crime scene investigators determined that the Camaro had been struck by bullets on all sides. Numerous spent rounds were recovered from the Camaro, both from the body of the car and from the interior of the car.

An autopsy was performed on the body of Michael Taylor and it was determined that his death was caused by multiple gunshot wounds. The medical examiner determined that Michael Taylor had been shot in the head, torso, right forearm, right hand, left shoulder, left forearm, and left wrist. The rounds which entered the head, torso, and right forearm were recovered from the body. The rounds which entered the right hand, the left shoulder and the left forearm had exited the body. The round which struck the left wrist was a grazing wound which did not enter the body. The toxicology examination determined that Michael Taylor did not have any volatiles or drugs in his body at the time of his death.

In an effort to gain some understanding of why Michael Taylor would have refused to obey the clearly communicated commands of multiple uniformed police officers to exit the car a comprehensive review was conducted of the known significant events related to Michael Taylor.

It was determined that Michael Taylor was born on June 1, 2001. His involvement with the criminal justice system began in 2013 when at age twelve he was arrested by the Winter Haven Police Department for Petit Theft. In 2015 at age fourteen he was arrested for a violation of probation by the Polk County Sheriff's Office and then later by the Orlando Police Department for Petit Theft, Battery, and Resisting Officers.

On December 19, 2015 Michael Taylor was released from custody after having been placed on probation in the juvenile justice system for the crime of assault. This probation was imposed on October 21, 2015.

On January 1, 2016 at approximately 10 o'clock at night Michael Taylor appeared at the driver's side door of a car occupied by a sixteen year old girl who was alone in the car in the parking lot of Three Brothers Mart on Avenue T Northeast in Winter Haven. The girl had stopped at this business on her way home following her work shift at Winn Dixie. Michael Taylor pointed a handgun at this girl and ordered her to get out of the car. She complied with his

demand. After she was out of the car, he attempted to grab her wallet and cell phone, but she was able to pull away and run to the store. The girl called 911 and police responded to her location. The officer was able to review surveillance video which corroborated the statement of the girl. A BOLO was placed for the stolen car. Approximately four hours later a Winter Haven Police Department officer spotted this stolen car and attempted to stop the driver. The driver refused to stop and a high speed chase ensued with speeds of up to 125 miles per hour being attained. This pursuit ended when the stolen car crashed into a tree. The officers determined that Michael Taylor was the driver and the only person in the car. Also in the car officers found a baggie of synthetic cannabis. The defendant was arrested and charged by Information as an adult with the crimes of Robbery with a Weapon, Burglary while Armed with a Firearm or Weapon, High Speed Fleeing to Elude, and Driving without a License. On February 16, 2016, Michael Taylor pled guilty to all four crimes as charged. He was given juvenile sanctions. He was adjudicated to be delinquent and committed to the custody of the Division of Juvenile Justice and placed in a high risk facility. The sentencing judge ordered that he was not to be released from this facility without the approval of the judge. In November of 2016, the Department of Juvenile Justice recommended to the judge that Michael Taylor be placed on conditional release and be returned into the community. The sentencing judge denied this request. In April of 2017 the sentencing judge ordered that Michael Taylor be released from the high risk commitment facility to be returned to the community to be placed on conditional release supervision. A specific condition of this release was the placement of an electronic monitor on the body of Michael Taylor. In June of 2017, the sentencing judge removed this requirement and the electronic monitoring device was removed.

Sometime during the night of July 9, 2017 into the morning hours of July 10, 2017, a Volkswagen car was stolen from the residence located at 96 St. Kitts Circle in Winter Haven. The owner of this car reported it as stolen and the Polk County Sheriff's Office conducted an investigation. The officer was able to obtain surveillance video from a neighbor of the victim and saw this Volkswagen car and two other vehicles being driven away from the area of the victim's residence at 3:48 AM on July 10, 2017. The investigating detective located surveillance video which showed that this stolen Volkswagen car was being driven on the Polk Parkway as well as Toll Road 429. He developed information which indicated that this Volkswagen car was suspected to have been involved in some smash and grab burglaries in Plant City, Winter Park and Zephyrhills in which firearms were stolen. The stolen Volkswagen car was recovered on July 19, 2017 after a friend of the car's owner saw a female and two males in the car. The police recovered the Volkswagen car in the area where this friend had seen it. Upon processing by the crime scene investigators, numerous latent prints were found in the Volkswagen. Those latent prints were compared to the prints on file for Michael Taylor and some were identified as his prints. The owner of the Volkswagen was contacted and indicated that he did not know Michael Taylor. An arrest warrant was issued for Michael Taylor for the Grand Theft of the Volkswagen. Following his arrest Michael Taylor was questioned by the detective. He initially stated that he only rode in this Volkswagen, but when he was confronted with the surveillance video he did admit to having driven the Volkswagen. On August 27, 2017, Michael Taylor was charged as an adult for the crimes of Grand Theft and Burglary for the theft of the Volkswagen. As a result of these new charges, a violation of probation was filed against Michael Taylor for the earlier crimes of Robbery, Burglary, Fleeing to Elude, and Driving without a License.

Michael Taylor pled guilty to the new charges and admitted to the violation of probation for the prior charges. On December 15, 2017 the same judge who had previously sentenced Michael Taylor to juvenile sanctions imposed sentence for the new charges and for the violation of probation. The judge imposed adult sanctions of 60 months of probation as a youthful offender to include three hundred days incarceration in the Polk County Jail. This order of probation did not include a curfew or electronic monitoring. Following this order of probation the probation officer instructed Michael Taylor of the conditions of his probation while he was still in the Polk County Jail. This first time of instruction took place on January 29, 2018. The probation officer was notified on May 7, 2018 that Michael Taylor had been released from the Polk County Jail. The probation officer instructed Michael Taylor to report to the probation office on May 11, 2018. From the first contact by the probation officer with Michael Taylor following his release from custody on May 7 through the incident on December 26, 2018 the probation officer documented Michael Taylor coming into the probation office on eight occasions and the probation officer visiting Michael Taylor at his residence on six occasions. The probation officer last attempted to visit Michael Taylor at his residence on December 18, 2018, but was told by the mother of Michael Taylor that he was not at home. The last time Michael Taylor had come into the probation officer was December 5, 2018. During the time of his supervision, Michael Taylor was living in Winter Haven.

The stolen Camaro with the tag number 334PHA which was stolen on December 18 or 19, 2018 was suspected to be involved in several smash and grab burglaries after it was stolen. During the pre-dawn early morning hours of December 22, 2018 there were burglaries committed at two businesses which sold firearms in Highlands County. At 3:30 AM a Highlands County deputy discovered that the Spray and Pray Guns and Ammo store in Sebring had been the victim of a smash and grab burglary. It was determined that a handgun had been stolen. A review of the surveillance video showed a black car pulled into the parking lot at 2:30 AM just prior to two subjects smashing the glass front door to make entry. At 3:53 AM the alarm was triggered at Central Pawn Shop in Lake Placid. Officers of the Lake Placid Police Department responded and arrived at 4:02 AM. The investigation determined that nine firearms were stolen after the front glass door had been smashed. A Lake Placid Police Department officer had seen a black Camaro in the area sometime between 3:00 to 3:30 AM. During these two investigations the detectives had contact with an ATF agent who informed them that there had also been a smash and grab burglary of a business in Tampa on December 23, 2018 in which a similar car was involved.

On December 23, 2018 at 4:21 AM two subjects were observed on surveillance video entering the East Tampa Pawn and Gun Store in Tampa after the front glass door was smashed. The investigation determined that at least three firearms had been taken during the burglary. The surveillance video showed a dark colored Chevrolet car which was possibly a Camaro back into a parking space just prior to the burglary. The tag of the car was partially seen and it appeared to possibly contain the number 3 and letters P and J.

Because there was some indication that the stolen Camaro in which Michael Taylor was located at the time of his death had been involved in some smash and grab burglaries, and there was some suspected blood found at one of the burglaries, the blood collected from Michael Taylor's body at autopsy was sent to the FDLE lab to have a DNA analysis performed. The DNA

profile obtained for Michael Taylor was then compared to any outstanding cases in which a suspect's DNA profile had been obtained from crime scenes. The DNA of Michael Taylor was determined to be present on a cigar which had been located in a stolen Sierra pickup truck which was involved in a smash and grab burglary of BMG Tactical Store in Winter Garden during the early morning hours of July 15, 2017. The Sierra pickup truck was found abandoned with the engine running shortly after 9 AM on July 15, 2017 near the Badcock Store located on West Colonial Drive in Winter Garden. The surveillance video from a nearby business was located and viewed. This video showed the Sierra pickup and a dark colored car near the Badcock Store at approximately 4:30 AM. An alarm had been triggered at the BMG Tactical Store located on West Colonial Drive in Winter Garden at approximately 3:33 AM on July 15, 2017. Officers responded and found that the front glass door had been smashed and determined that thirteen firearms had been stolen. Detectives obtained surveillance video from another gun store located on West Colonial Drive in Winter Garden during the early morning hours of July 15, 2017. A review of this video showed a pickup consistent with the stolen Sierra pickup together with a dark colored car in the parking lot of that store. The detectives were able to obtain surveillance video from the agency which maintained the toll records for the toll road near Winter Garden. A review of this surveillance video showed that the stolen Sierra pickup and a stolen Volkswagen car were seen going through toll booths headed towards Winter Garden within seconds of each other. The stolen Volkswagen was then seen going through a toll booth headed away from Winter Garden without the stolen Sierra pickup. The stolen Volkswagen was the one for which Michael Taylor was charged with the crimes of Grand Theft and Burglary. The Sierra pickup had been stolen on July 11, 2017 from the owner's residence located at 821 Sun Ridge Village Drive in Winter Haven.

As a result of Michael Taylor's knowledge that he was driving a stolen Camaro and in possession of a stolen firearm while on probation for the crimes of Robbery with a Weapon, Armed Burglary, Aggravated Fleeing to Elude, Grand Theft, and Burglary it is likely that he believed he was going to be arrested for crimes which could result in him being sentenced for a significant period of time in an adult prison. His efforts to avoid capture by driving at the officer who stood between him and his freedom are consistent with his earlier decision to flee from law enforcement officers during the high speed car chase in 2016. These prior incidents are important to consider when evaluating his choice to disobey the commands of the Lakeland Police Department officers to get out of the stolen Camaro.

Clearly, none of this background information was known to Officers Neal, Patel, or Novis when they were confronted with the actions of Michael Taylor in the parking lot of Salem's Restaurant during the early morning of December 26, 2018. What they were confronted with was the attempt by Michael Taylor to run over Officer Neal in the stolen Camaro.

The actions of Officers Neal, Patel, and Novis are judged pursuant to Sections 776.013, 776.05, and 776.06 of the Florida Statutes. Those statutes provide that an officer is justified in the use of any force, including deadly force, which he reasonably believes to be necessary to defend himself or another from bodily harm while making an arrest or when necessarily used in arresting a felon fleeing from justice if the officer has a reasonable belief that the fleeing felon poses a threat of death or serious physical harm to himself or others. The statutes provide that an officer is justified in the use of deadly force if he reasonably believes that the use of such force is

necessary to prevent imminent death or great bodily harm to himself or another or to prevent the imminent commission of a forcible felony.

Applying the principles of law outlined in the Florida Statutes to evaluate the decision of Officers Neal, Patel, and Novis to fire their firearms at the driver of the car which was attempting to run over Officer Neal, the conclusion is reached that their actions are consistent with a reasonable belief that such force was necessary to prevent imminent death or great bodily harm to Officer Neal or others. Their decisions to fire are also consistent with the reasonable belief that such force was necessary to prevent the imminent commission of the forcible felony of Aggravated Battery or Attempted Murder of Officer Neal. As a result of this analysis, it is the opinion of the Office of the State Attorney that Officers Neal, Patel and Novis were justified in their use of deadly force against Michael Taylor.



Paul Wallace
Assistant State Attorney

Copies: Officer Markais Neal
Officer Joseph Novis
Officer Raj Patel